

## **DRAFT PERMIT**

PERMITTEE: Pequot Holdings Two LLC  
43 Broad Street  
New London, CT 06320

PERMIT NO.: DIV-200702824  
TOWN: Stonington  
WATERS: Stony Brook, Ground Waters

Pursuant to Connecticut General Statutes section 22a-368, Pequot Holdings Two LLC (the "permittee") is hereby authorized to divert the waters of the state at the Pequot Golf Club (the "site") in accordance with the permittee's application dated December 27, 2007, filed with this Department on December 28, 2009 and described herein. The purpose of the diversion is to provide irrigation water for an 18-hole golf course, supply potable and non-potable water to site facilities.

### **AUTHORIZED ACTIVITY**

The permittee is authorized to withdraw a maximum of 0.200 million gallons per day (mgd) from an irrigation pond and a combined maximum of 0.150 mgd of ground water per day from three bedrock wells (Wells 1, 2 and 3) used to supplement supply in the irrigation pond, provide water to a maintenance building, and provide potable water to the clubhouse, in accordance with plans entitled "Site Plan / Pequot Golf Club", dated December 2007, prepared by Milone & MacBroom, and documentation submitted as a part of the application.

**PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.**

### **SPECIAL CONDITIONS**

1. **Metering of Withdrawals.** The permittee shall install totalizing flow meters to measure the total amount of water withdrawn from Wells 1, 2 and 3 and the irrigation pond for which withdrawals are authorized herein, and shall for the duration of this authorization continuously operate and maintain such meter in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72

hours. The permittee shall secure such meter in a locked facility, with access controlled solely by the permittee or other designee.

2. **Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings indicating the total volume of water in gallons withdrawn from the bedrock wells and irrigation pond that day. The daily record shall also record the hours of operation, the time of meter readings, and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitations specified in this permit. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner as required by Special Condition #13 of this permit.
3. **Water Well Guarantee.** If the owner of the water supply well at 146 Wheeler Road believes the yield of their well has been significantly impacted by activities authorized as part of this permit, they should notify the permittee and the Department of this situation. The permittee shall respond by having their hydrogeologic consultant evaluate the situation, report to the permittee, the Department and to the concerned well owners, within 30 days of the initial notification, their findings as to the existence, nature, extent and/or cause of the alleged impact. If the assessment of the permittee's hydrogeologic consultant determines that activities authorized as part of this permit have no direct impact on the subject well, and the Department concurs with the assessment, then the permittee will not be required to assist the subject well owner with well yield mitigation measures as outlined below. In the event that the permittee's hydrogeologic consultant or the Department determines that that activities authorized as part of this permit result in more than a negligible loss in the yield of the subject well, the permittee shall mitigate this loss in yield of the affected well by implementing, at its cost, one or more of the following actions:
  - a) If pre-permit yield can be restored by setting the pump at a lower depth in the existing well, the pump will be lowered in the well as necessary.
  - b) If the affected well is too shallow to accommodate resetting the pump to restore pre-permit yield, but is capable of being deepened, the well will be deepened and the pump reset to restore pre-permit yield.
  - c) If lowering the pump or deepening the well are insufficient methods to restore pre-permit yields, a new well that reestablishes pre-permit yield will be installed on the property of the affected well owner.
4. **Stream Monitoring, Reporting.** The permittee shall monitor, on bi-weekly basis, all streambed piezometers (P-3, P-5, P-6, P-8, and P-9) referenced in Table 3-1 of Attachment D12 of their application during the first irrigation season following permit approval. If flow in Stony Brook does not attain its 80% duration flow during that season, monitoring shall continue for the next irrigation season(s) until monitoring occurs

during 80% duration flow. The permittee shall maintain a record of piezometer water level data. A copy of this record shall be included in the Annual Report to the Commissioner as required by Special Condition #13 of this permit.

5. **Well Water Quality Sampling, Testing Reporting.** The permittee shall employ a qualified individual to sample ground waters withdrawn from all water wells on site for Volatile Organic Compounds (VOC's) twice during the first year of authorization – once in the spring and once in the fall. Samples shall be sent to a qualified lab for analysis. The permittee shall submit a report to the department containing the sampling results and conclusions as to compliance with water quality standards as part of the Annual Report to the Commissioner as required by Special Condition #13 of this permit.
6. **Chemigation.** The permittee is prohibited from using the irrigation system for the purpose of chemigation without the appropriate discharge permit and pesticide application permit from the Commissioner.
7. **Seasonal Irrigation Restrictions.** Withdrawals authorized under this permit are restricted to the period April 15 through October 31 inclusive. Records of annual diversion shutdown and startup dates shall be included in the Annual Report to the Commissioner as required by Special Condition #13 of this permit.
8. **Other Restrictions.** The DEP shall have the right to restrict the diversion authorized in this permit at any time the Commissioner in his judgment determines: a) a declared local, regional or state-wide drought advisory, watch, warning or emergency necessitates restriction or reduction of non-essential water uses, or b) the continuation of the diversion may have an adverse effect on water quality, fisheries resources, aquatic habitat or public health.
9. **Long-range Water Conservation Plan.** The permittee shall implement its Long-range Water Conservation Plan, as described in the permittee's application. The permittee shall maintain a summary of all actions taken each year pursuant to the Long-range Water Conservation Plan and a description of the estimated or actual water savings achieved. A copy of this summary shall be included in the Annual Report to the Commissioner required by Special Condition #13 of this permit.
10. **Drought Response Plan.** Upon notification by the Commissioner of a particular drought stage as described in "Connecticut Drought Preparedness and Response Plan" (August 4, 2003), the permittee shall limit the authorized total combined maximum withdrawal from the irrigation ponds as follows:

- a. Drought Advisory: Pond - 0.180 mgd, Wells - 0.135 mgd (10% reduction)

- b. Drought Watch: Pond - 0.170 mgd, Wells – 0.127 mgd (15% reduction)
- c. Drought Warning Pond - 0.160 mgd, Wells – 0.120 mgd (20% reduction)
- d. Drought Emergency: Pond - 0.150 mgd, Wells – 0.112 mgd (25% reduction)

Furthermore, during a declared “Drought Emergency” stage, the permittee shall comply fully with the “Connecticut Drought Preparedness and Response Plan” (August 4, 2003) as may be amended or modified.

11. **Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this permit shall be retained at the subject site, or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit; and records of all data used to compile these reports for a period of at least three years after the expiration date of this permit.
12. **Recording and Reporting Violations.** Within 48 hours after the permittee learns of a violation of this permit, the permittee shall submit in writing a report of the violation to the Commissioner. Such report shall contain the following information:
  - a. The provision(s) of this permit that has been violated,
  - b. The date and time the violation(s) was first discovered and by whom,
  - c. The cause of the violation(s), if known;
  - d. If the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and time(s) it was corrected,
  - e. If the violation(s) has not ceased, the anticipated date when it will be corrected; and
  - f. Actions taken and actions planned to prevent a reoccurrence of the violation(s) and the date(s) such actions were implemented or will be implemented.
13. **Annual Reporting.** The permittee shall submit by January 30 of each year, for the duration of this authorization, an Annual Report for the preceding calendar year. The Annual Report shall be certified in accordance with General Condition #11 of this permit and shall contain the following:
  - a. A copy of the record of daily withdrawals and hours operated as required by Special Condition #2 of this permit,
  - b. A copy of the stream monitoring record as required by Special Condition #4 of this permit,
  - c. A copy of the Well Water Sampling Report as required by Special Condition #5 of this permit,
  - d. Records of annual diversion shutdown and startup date as required by Special Condition #7 of this permit,

- e. Summary report of all the actions taken pursuant to the Long-Range Water Conservation Plan and Water Conservation Plan and description of actual or estimated water savings achieved, as required by Special Condition #9 of this permit, and
- f. Denotation and explanation of any instances of violation of the authorized withdrawal limitation(s) or any other condition of this authorization, as required by Special Condition #12 of this permit.

## GENERAL CONDITIONS

1. The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
2. The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
3. All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.
4. Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.
5. In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be

modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.

6. If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such other time.
7. This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
8. In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under paragraph 4 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.
9. This permit is not transferable without the prior written consent of the Commissioner.
10. This permit shall expire on [15 years].
11. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachment

may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."

12. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director  
DEP/Inland Water Resources Division  
79 Elm Street  
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

This authorization constitutes the permit required by section 22a-368(b) of the Connecticut General Statutes.

Issued as a permit of the Commissioner of Environmental Protection on

Amey W. Marrella  
Acting Commissioner